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530 7590 12/22/2010  
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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2424

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/021,875	<b>Applicant(s)</b> KANO ET AL.	
	<b>Examiner</b> MICHAEL VAN HANDEL	<b>Art Unit</b> 2424	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6-8,12,13,26,30,31 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-8,12,13,26,30,31 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

1. This action is responsive to an Amendment filed 10/07/2010. Claims **1, 6-8, 12, 13, 26, 30, 31, and 34** are pending. Claims **1, 8, 26, and 34** are amended. Claims **2-5, 9-11, 14-25, 27-29, 32, 33, and 35-56** are canceled. The examiner hereby withdraws the rejection of claims **1, 6, 7, and 34** under 35 USC 112, first paragraph in light of the amendment.

### **Response to Arguments**

2. Applicant's arguments regarding claims **1, 8, 26, and 34**, filed 10/07/2010, have been considered, but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim **1, 6-8, 12, 13, 26, 30, 31, and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin et al. (of record) in view of Patsiokas (of record), and further in view of Dunning et al.

Referring to claim **1**, Benjamin et al. discloses a method of storing additional information, the method comprising:

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- receiving additional information in which the additional information is multiplexed with an audio program (col. 8, l. 4-13; col. 14, l. 28-46; & Fig. 13), the additional information having a data portion that includes a payload (track properties in ID3 tag) and a header portion that includes information associated with the payload (tag field “TAG”)(col. 14, l. 28-46);
- determining whether user preset key information is included in the additional information, the user preset key information being determined to be included in the additional information (col. 13, l. 47-65 & col. 14, l. 10-21) when the user preset key information itself is included in the additional information, the user preset key information being a name in text (if the criteria is artist “Beatles” and the artist property in the file matches as “Beatles,” the track is stored)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42);
- storing, from the additional information, the payload of the data portion thereof in a storage medium only if the user preset key information is determined to be included in the additional information (col. 14, l. 20-26); and
- deleting the additional information if the user preset key information is determined not to be included in the additional information (if there is no match, the track is not stored in the playlist)(col. 14, 20-26 & Fig. 20).

Benyamin et al. does not specifically disclose that the additional information is received from a receiver that receives a digital radio broadcast. Patsiokas discloses a satellite radio receiver which receives music multiplexed with a content identification header (col. 4, l. 31-41).

Patsiokas further discloses determining whether to store the content identification header based

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on user preferences (col. 6, l. 48-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Benyamin et al. to receive satellite radio and determine whether to store identifiers for a satellite radio selection, such as that taught by Patsiokas in order to provide access to a greater amount of content.

The combination of Benyamin et al. and Patsiokas does not specifically teach that only the payload of the additional information is stored if the user preset key information exists. Patsiokas discloses storing only song properties and not additional data in the header when user preferences dictate storing the content identification header (col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the storing of the entire ID3 tag, including the tag field of Benyamin et al. to only store the song properties, such as that taught by Patsiokas in order to save storage space (Patsiokas col. 6, l. 38-50).

The combination of Benyamin et al. and Patsiokas does not specifically teach that the user preset key information is determined to be included in the additional information when a variation of the user preset key information is included in the additional information, the variation of the user preset key information being an alternative text that is substantially equivalent to the name. Dunning et al. discloses a system for generating track lists for a personalized radio station (see Abstract). The user is able to search for particular tracks and/or artists (p. 5, paragraph 85). Dunning et al. further discloses that the searching is a fuzzy search capability that detects imperfect matches between entered query terms and indexed content, so as to account for spelling errors or slightly incorrect titles or artist names (p. 6, paragraph 92). Dunning et al. also discloses that equivalencing is performed on data in the database to account

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for different spellings and variations on artist names, track names, and album titles (p. 13, paragraphs 205, 206). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the method of matching music files with user-entered music criteria in the combination of Benyamin et al. and Patsiokas to include accounting for different spellings and variations on artist names, track names, and album titles, such as that taught by Dunning et al. in order to improve robustness and increase user satisfaction (Dunning et al. p. 6, paragraph 92).

Referring to claim **6**, the combination of Benyamin et al. and Patsiokas teaches the method of storing additional information according to claim 1, wherein said receiving step includes receiving, from the receiver, further additional information of a program other than the program that is received and transferred by the receiver (other tracks are searched)(Benyamin et al. Fig. 20).

Referring to claim **7**, the combination of Benyamin et al. and Patsiokas teaches the method of storing additional information according to claim 1, further comprising transferring the stored payload of the data portion of the additional information to said receiver, wherein said receiver displays the transferred additional information on a display unit of thereof (Benyamin et al. Fig. 13).

Referring to claim **8**, Benyamin et al. discloses a method of transferring additional information, the method comprising:

- receiving additional information in which the additional information is multiplexed with an audio program (col. 8, l. 4-13; col. 14, l. 28-46; & Fig. 13), the additional information having a data portion that includes a payload (track properties in ID3 tag)

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- and a header portion that includes information associated with the payload (tag field “TAG”)(col. 14, l. 28-46);
- determining whether user preset key information is included in the additional information, the user preset key information being determined to be included in the additional information (col. 13, l. 47-65 & col. 14, l. 10-21) when the user preset key information itself is included in the additional information, the user preset key information being a name in text (if the criteria is artist “Beatles” and the artist property in the file matches as “Beatles,” the track is stored)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42);
  - transferring the additional information to an external device (selected device) only if the user preset key information is determined to be included in the additional information (col. 13, l. 30-32 & col. 14, l. 20-26); and
  - deleting the additional information if the user preset key information is determined not to be include in the additional information (if there is no match, the track is not stored in the playlist)(col. 14, 20-26 & Fig. 20).

Benyamin et al. does not specifically disclose that the additional information is received from a receiver that receives a digital radio broadcast. Patsiokas discloses a satellite radio receiver which receives music multiplexed with a content identification header (col. 4, l. 31-41).

Patsiokas further discloses determining whether to store the content identification header based on user preferences (col. 6, l. 48-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Benyamin et al. to receive satellite radio

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and determine whether to store identifiers for a satellite radio selection, such as that taught by Patsiokas in order to provide access to a greater amount of content.

The combination of Benyamin et al. and Patsiokas does not specifically teach that the user preset key information is determined to be included in the additional information when a variation of the user preset key information is included in the additional information, the variation of the user preset key information being an alternative text that is substantially equivalent to the name. Dunning et al. discloses a system for generating track lists for a personalized radio station (see Abstract). The user is able to search for particular tracks and/or artists (p. 5, paragraph 85). Dunning et al. further discloses that the searching is a fuzzy search capability that detects imperfect matches between entered query terms and indexed content, so as to account for spelling errors or slightly incorrect titles or artist names (p. 6, paragraph 92). Dunning et al. also discloses that equivalencing is performed on data in the database to account for different spellings and variations on artist names, track names, and album titles (p. 13, paragraphs 205, 206). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the method of matching music files with user-entered music criteria in the combination of Benyamin et al. and Patsiokas to include accounting for different spellings and variations on artist names, track names, and album titles, such as that taught by Dunning et al. in order to improve robustness and increase user satisfaction (Dunning et al. p. 6, paragraph 92).

Referring to claim **12**, the combination of Benyamin et al. and Patsiokas teaches the method of transferring additional information according to claim 8, wherein said receiving step



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includes receiving further additional information of a program other than the program being received (other tracks are searched)(Benyamin et al. Fig. 20).

Referring to claim **13**, the combination of Benyamin et al. and Patsiokas teaches the method of transferring additional information according to claim 8, further comprising receiving the payload of the data portion of the additional information from the external device, and displaying the transferred additional information on a display unit (music is transferred to the disk cartridge, and then transferred to the head unit, where the tracks are displayed)(Benyamin et al. col. 4, l. 36-51; col. 8, l. 4-23; & col. 18, l. 1-20, 40-49).

Referring to claim **26**, Benyamin et al. discloses a receiver (computer 124), comprising:

- a receiving unit which receives additional information from song tracks in which additional information is multiplexed with an audio program (col. 8, l. 4-13; col. 14, l. 28-46; & Fig. 13); the additional information having a data portion that includes a payload (track properties in ID3 tag) and a header portion that includes information associated with the payload (tag field "TAG")(col. 14, l. 28-46);
- a control unit which determines whether user preset key information is included in the additional information (col. 13, l. 47-65 & col. 14, l. 10-21), the user preset key information being determined to be included in the additional information when the user preset key information itself is included in the payload portion, the user preset key information being a name in text (if the criteria is artist "Beatles" and the artist property in the file matches as "Beatles," the track is stored)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42);

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- a communications unit (which transfers the additional information to an external device (selected device) only if said control unit determines that the preset key information is included in the additional information (col. 13, l. 30-32 & col. 14, l. 20-26); and
- said control unit deleting the additional information if the user preset key information is determined not to be included in the additional information (if there is no match, the track is not stored in the playlist)(col. 14, 20-26 & Fig. 20).

Benyamin et al. does not specifically disclose that the additional information is received from a receiver that receives a digital radio broadcast. Patsiokas discloses a satellite radio receiver which receives music multiplexed with a content identification header (col. 4, l. 31-41).

Patsiokas further discloses determining whether to store the content identification header based on user preferences (col. 6, l. 48-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Benyamin et al. to receive satellite radio and determine whether to store identifiers for a satellite radio selection, such as that taught by Patsiokas in order to provide access to a greater amount of content.

The combination of Benyamin et al. and Patsiokas does not specifically teach that the user preset key information is determined to be included in the additional information when a variation of the user preset key information is included in the additional information, the variation of the user preset key information being an alternative text that is substantially equivalent to the name. Dunning et al. discloses a system for generating track lists for a personalized radio station (see Abstract). The user is able to search for particular tracks and/or artists (p. 5, paragraph 85). Dunning et al. further discloses that the searching is a fuzzy search

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capability that detects imperfect matches between entered query terms and indexed content, so as to account for spelling errors or slightly incorrect titles or artist names (p. 6, paragraph 92).

Dunning et al. also discloses that equivalencing is performed on data in the database to account for different spellings and variations on artist names, track names, and album titles (p. 13, paragraphs 205, 206). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the method of matching music files with user-entered music criteria in the combination of Benyamin et al. and Patsiokas to include accounting for different spellings and variations on artist names, track names, and album titles, such as that taught by Dunning et al. in order to improve robustness and increase user satisfaction (Dunning et al. p. 6, paragraph 92).

Referring to claim **30**, the combination of Benyamin et al. and Patsiokas teaches the receiver according to claim 26, wherein said receiver unit also receives further additional information of a program other than the program being received (other tracks are searched)(Benyamin et al. Fig. 20).

Referring to claim **31**, the combination of Benyamin et al. and Patsiokas teaches the receiver according to claim 26, further comprising a display unit (monitor)(Benyamin et al. Fig. 1), wherein said communications unit receives the payload of the data portion of the additional information from the external device via said communications unit (through synchronization process)(Benyamin et al. col. 16, l. 59-67; col. 17, l. 1-16; & Fig. 19), the received payload of the data portion of the additional information being displayed on said display unit (tracks are displayed in GUI)(Benyamin et al. col. 17, l. 1-16).

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Referring to claim **34**, Benyamin et al. discloses an information processing terminal, comprising:

- a data communications unit which receives additional information from song tracks in which additional information is multiplexed with an audio program (col. 8, l. 4-13; col. 14, l. 28-46; & Fig. 13); said additional information having a data portion that includes a payload (track properties in ID3 tag) and a header portion that includes information associated with the payload (tag field "TAG")(col. 14, l. 28-46);
- a control unit which determines whether user preset key information is included in the additional information (col. 13, l. 47-65 & col. 14, l. 10-21), the user preset key information being determined to be included in the additional information when the user preset key information itself is included in the additional information, the user preset key information being a name in text (if the criteria is artist "Beatles" and the artist property in the file matches as "Beatles," the track is stored)(col. 13, l. 46-65; col. 14, l. 20-26; & col. 15, l. 33-42);
- storage means which stores, from the additional information, the payload of the data portion thereof in a storage medium only if said control unit determines that the user preset key information is included in the additional information (col. 14, l. 20-26);  
and
- said control unit deleting the additional information if the user preset key information is determined not to be included in the additional information (if there is no match, the track is not stored in the playlist)(col. 14, 20-26 & Fig. 20).

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Benyamin et al. does not specifically disclose that the additional information is received from a receiver that receives a digital radio broadcast. Patsiokas discloses a satellite radio receiver which receives music multiplexed with a content identification header (col. 4, l. 31-41).

Patsiokas further discloses determining whether to store the content identification header based on user preferences (col. 6, l. 48-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Benyamin et al. to receive satellite radio and determine whether to store identifiers for a satellite radio selection, such as that taught by Patsiokas in order to provide access to a greater amount of content.

The combination of Benyamin et al. and Patsiokas does not specifically teach that only the payload of the additional information is stored if the user preset key information exists. Patsiokas discloses storing only song properties and not additional data in the header when user preferences dictate storing the content identification header (col. 6, l. 47-50, 59-61). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the storing of the entire ID3 tag, including the tag field of Benyamin et al. to only store the song properties, such as that taught by Patsiokas in order to save storage space (Patsiokas col. 6, l. 38-50).

The combination of Benyamin et al. and Patsiokas does not specifically teach that the user preset key information is determined to be included in the additional information when a variation of the user preset key information is included in the additional information, the variation of the user preset key information being an alternative text that is substantially equivalent to the name. Dunning et al. discloses a system for generating track lists for a personalized radio station (see Abstract). The user is able to search for particular tracks and/or

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artists (p. 5, paragraph 85). Dunning et al. further discloses that the searching is a fuzzy search capability that detects imperfect matches between entered query terms and indexed content, so as to account for spelling errors or slightly incorrect titles or artist names (p. 6, paragraph 92).

Dunning et al. also discloses that equivalencing is performed on data in the database to account for different spellings and variations on artist names, track names, and album titles (p. 13, paragraphs 205, 206). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the method of matching music files with user-entered music criteria in the combination of Benyamin et al. and Patsiokas to include accounting for different spellings and variations on artist names, track names, and album titles, such as that taught by Dunning et al. in order to improve robustness and increase user satisfaction (Dunning et al. p. 6, paragraph 92).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Van Handel/  
Primary Examiner, Art Unit 2424

12/19/2010